IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.20035 of 1993

Between:

Smt.C.Aruna Kumari, rep.by GPA Holder Sri Y.Balakotaiah, S/o.Ramaiah, r/o.H.No.8-3-319/6, 68 years, Yellareddyguda, Ameerpet, Hyderabad.

...PETITIONER

AND

1. The Special Officer & Competent Authority, Urban Land Ceiling, III Floor, Chandra Vihar, Nampally, Hyderabad.
2. The Commissioner, Urban Land Ceiling, Nampally, Hyderabad.
3. The Government of A.P., rep.by its Secretary, Revenue Department, Secretariat Buildings, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Certiorari, call for the records relating to and in connection with the order in appeal No.c.No.Hyderabad/59/91 dated 10.09.1993 on the file of the 2nd respondent, the Commissioner, Urban Land Ceiling, Nampally, Hyderabad and quash the same as null and void.

Counsel for the Petitioner: MR.C.HANUMANTHA RAO

Counsel for the Respondents: GP for Land Acquisition

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.20035 of 1993

ORDER:

Heard the learned counsel for the petitioner and also the learned Government Pleader for Revenue (Assignment).

The petitioner herein, who is a declarant, filed this Writ petition, *inter alia*, seeking to assail the order dated 10.09.1993 in the appeal, passed by the second respondent, dismissing the appeal as not maintainable.

The learned counsel for the petitioner sought to raise the questions on merits, especially on the fact of the applicability of G.O.Ms.No.733 Revenue (UC.II) Department, dated 31.10.1988 and also seeking for exclusion of the land, which has been hit in favour of M/s.Ravindra Cooperative Housing Society, Guttalabegumpet, Hyderabad, since it was not hit by Section 6 (1) of the Urban Land Ceilings Act, 1976

(for short 'the Act').

However, on considering the submissions made and also on perusal of the material available on record, it has to be seen whether the petitioner can raise these questions or not.

Admittedly, in this case, subsequent to the filing of the regularization of the petitioner, an order under Section 8 (4) of the Act was passed on 28.02.1989 which was followed by a notification dated 31.05.1990 under Section 10 (3) of the Act, and a notice dated 17.01.1991 under Section 10 (5) of the Act. The present Writ Petition was filed only against the proceedings issued under Section 10 (5) of the Act. Further, it is also to be taken note that the petitioner has not filed any regular appeal nor challenged the order under Section 8 (4) of the Act where the ruling has been determined. Having not challenged the said order under Section 8 of the Act, it is not open for the petitioner, as rightly held by the appellate authority, to raise any question on merits and seek any exemption or deletion or exclusion from the holding as already determined in the aforesaid order. In view of the same, I do not find any merits in the Writ Petition.

The Writ Petition is accordingly dismissed.

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(B.PRAKASH RAO, J)

17th February 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Special Officer & Competent Authority, Urban Land Ceiling, III Floor, Chandra Vihar, Nampally, Hyderabad.
2. The Commissioner, Urban Land Ceiling, Nampally, Hyderabad.
3. The Government of A.P., rep.by its Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
4. Two CCs to G.P. for Land Acquisition, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.